

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 13, the Department of Human Services (DHS) proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments require HCBS transportation payment to be the same as the payment negotiated by the Medicaid nonemergency medical transportation broker. For those providers that do not have a contracted rate, the rate paid would be the average broker rate paid per trip or per mile for the member’s DHS region.

Current HCBS transportation rates may be paid at a different amount than the nonemergency medical transportation broker. The rates are difficult to determine due to different methodologies within current rules. Rules currently state that the rate paid is the fee schedule or county contract rate. Therefore, this change provides consistency for the provider, the member and the state.

Any interested person may make written comments on the proposed amendments on or before August 13, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waiver in specified situations because requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Adopt the following **new** paragraph **77.33(11)“f”**:

f. Transportation providers contracting with the nonemergency medical transportation contractor.

ITEM 2. Adopt the following **new** paragraph **77.37(24)“g”**:

g. Transportation providers contracting with the nonemergency medical transportation contractor.

ITEM 3. Adopt the following **new** paragraph **77.39(18)“f”**:

f. Transportation providers contracting with the nonemergency medical transportation contractor.

ITEM 4. Adopt the following **new** paragraph **77.41(6)“e”**:

e. Transportation providers contracting with the nonemergency medical transportation contractor.

ITEM 5. Amend subrule 78.37(11) as follows:

78.37(11) Transportation. Transportation services may be provided for members to conduct business errands and essential shopping, to receive medical services when not reimbursed through nonemergency medical transportation, and to reduce social isolation. A unit of service is one mile of transportation, or one one-way trip, or a unit established by an area agency on aging.

ITEM 6. Amend subrule 78.41(11) as follows:

78.41(11) Transportation. Transportation services may be provided for members to conduct business errands and essential shopping, to receive medical services when not reimbursed through

nonemergency medical transportation, to travel to and from work or day programs, and to reduce social isolation. A unit of service is one mile of transportation, or one one-way trip, or a unit established by an area agency on aging. Transportation may not be reimbursed simultaneously with HCBS intellectual disability waiver supported community living service.

ITEM 7. Amend subrule 78.43(7) as follows:

78.43(7) Transportation. Transportation services may be provided for members to conduct business errands and essential shopping, to receive medical services when not reimbursed through nonemergency medical transportation, to travel to and from work or day programs, and to reduce social isolation. A unit of service is one mile of transportation, or one one-way trip, or a unit established by an area agency on aging. Transportation may not be reimbursed simultaneously with HCBS brain injury waiver supported community living service.

ITEM 8. Amend subrule 78.46(5) as follows:

78.46(5) Transportation. Transportation services may be provided for members to conduct business errands and essential shopping, to receive medical services when not reimbursed through Medicaid as nonemergency medical transportation, to travel to and from work or day programs, and to reduce social isolation. A unit of service is one mile of transportation, or one one-way trip, or a unit established by an area agency on aging.

ITEM 9. Amend subrule **79.1(2)**, provider category “HCBS waiver service providers,” numbered paragraph “11,” as follows:

Provider category	Basis of reimbursement	Upper limit
11. Transportation	Fee schedule	Effective 7/1/13 <u>10/1/13</u> : <u>County contract rate</u> The provider’s nonemergency medical transportation contract rate or, in the absence of a <u>nonemergency medical transportation contract rate</u> , provider’s rate in effect 6/30/13 plus 3%, converted to a mile or one-way trip unit rate <u>the average nonemergency medical transportation contract rate paid per mile or per trip within the member’s DHS region.</u>